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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,660	08/27/2002	Janet Mary Hock	X-13288	9334
25885 7	590 06/30/2003			
ELI LILLY AND COMPANY			EXAMINER	
PATENT DIVISION P.O. BOX 6288 INDIANAPOLIS, IN 46206-6288			CRIARES, THEODORE J	
			ART UNIT	PAPER NUMBER
•			1617	8
			DATE MAILED: 06/30/2003	-

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
. •	10/070,660	HOCK ET AL.			
Office Action Summary	Examiner	Art Unit			
<i>:</i>	Theodore J. Criares	1617			
The MAILING DATE of this communication					
Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  Status					
1) Responsive to communication(s) filed or	n <u>27 <i>August 20</i>02</u> .				
2a) ☐ This action is <b>FINAL</b> . 2b) ∑	This action is non-final.				
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims					
4)⊠ Claim(s) <u>47-62</u> is/are pending in the app	lication.	•			
4a) Of the above claim(s) is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.					
6) Claim(s) is/are rejected.					
7) Claim(s) is/are objected to.					
8) Claim(s) 47-62 are subject to restriction a	and/or election requirement.	•			
Application Papers					
9) The specification is objected to by the Examiner.					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner.					
If approved, corrected drawings are required in reply to this Office action.					
12) The oath or declaration is objected to by the Examiner.					
Priority under 35 U.S.C. §§ 119 and 120					
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).					
a) ☐ All b) ☐ Some * c) ☐ None of:					
1. Certified copies of the priority documents have been received.					
2. Certified copies of the priority documents have been received in Application No					
<ul> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>					
14)☐ Acknowledgment is made of a claim for do	mestic priority under 35 U.S.C.	§ 119(e) (to a provisional application).			
a) ☐ The translation of the foreign language provisional application has been received.  15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.					
Attachment(s)					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-943) Information Disclosure Statement(s) (PTO-1449) Paper N	48) 5) 🔲 Notice of	Summary (PTO-413) Paper No(s) Informal Patent Application (PTO-152)			
U.S. Patent and Trademark Office PTO-326 (Rev. 04-01)  Of	fice Action Summary	Part of Paper No. 7			



Art Unit: 1617

## **CLAIMS 47-62 ARE PRESENTED FOR EXAMINATION**

Applicant is advised that pursuant to 37 CFR 1.126 the numbers of the new claims filed 28 February 2002, have been changed to indicate the proper sequence of the numbered claims. Claims 1-46 were canceled and new claims 47-62 have been added (originally submitted as claims 1-16). Accordingly, applicant is advised to renumber the claims in his file.

## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 47-56 and 58, drawn to methods of monitoring and analyzing a parathyroid hormone classified in class 436.
- II. Claims 57 and 62, drawn to analytical compositions classified in class 424, and
- III. Claims 59-61 drawn to methods of reducing the risk of both vertebral and non-vertebral bone fracture in a male humans classified in class 514.

Inventions of Groups I, II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different modes of operation, different functions and different effects. For example claims relating to the reduction of risk to both vertebrae and non-vertebral bone is different then the

Application/Control Number: 10/070,660

Art Unit: 1617

composition claims. They have also acquired a different status in the pharmaceutical art as illustrated by their separate classifications.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

No telephone communication was made on this restriction requirement because the restriction is complex. (MPEP 812.01).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theodore J. Criares whose telephone number is 308-4607. The examiner can normally be reached on 6:30 A.M. to 5:00P.M. Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Theodore J. Criares can be reached on 305-1877. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-6897 for regular communications and N/A for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1235.

Trieodore J. Criares Primary Examiner Art Unit 1617

tjc June 24, 2003